

**REAL ESTATE BOARD  
MINUTES  
MADISON, WISCONSIN  
JANUARY 27, 2000**

**PRESENT:** James R. Imhoff, Richard Hinsman, Harold Lee, Richard Kollmansberger; Jerome Nelson (by telephone)

**EXCUSED:** Bettye Lawrence and Nancy Gerrard

**STAFF PRESENT:** Cletus Hansen and Jan Neitzel; Division of Enforcement staff were present for portions of the meeting.

**GUESTS:** Rick Staff, WRA

**CALL TO ORDER**

The meeting was called to order at 10:11a.m. by Jim Imhoff, Chair, upon confirmation that the public notice was timely given. A quorum of 5 members was present.

**AGENDA**

The agenda was amended with the addition of a report from the Real Estate Forms Committee after number 7-Administrative Rules.

**MOTION:** Richard Hinsman moved, seconded by Jerome Nelson, to adopt the agenda as amended. Motion carried unanimously.

**ELECTION OF OFFICERS**

**MOTION:** Jerome Nelson moved, seconded by Richard Kollmansberger, to retain Jim Imhoff as Chair, Richard Hinsman as Vice-Chair, and Harold Lee as Secretary. Motion carried unanimously.

**MINUTES (12/9/99)**

**MOTION:** Richard Kollmansberger moved, seconded by Jerome Nelson, to approve the minutes as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Secretary Cummings' Report**

Secretary Cummings was not available.

## **Division Administrator's Report**

- Board Roster

Mr. Imhoff encouraged the board members to provide e-mail addresses for the roster.

- Meeting Dates for 2000

The Board received a copy of final meeting dates for 2000. Noted.

- Screening Statistics

The Board received a copy of the January 2000 screening statistics. Noted.

## **LEGISLATIVE UPDATE**

### **Real Estate Broker Supervision: AB 566 & SB 286**

Clete Hansen reported he has testified at one hearing relating to broker supervision and will testify a second time on February 9, 2000.

### **Other**

Rick Staff updated the Board on the statutory revisions relating to Megan's Law.

## **ADMINISTRATIVE RULES**

### **Rule Draft Relating to Supervision, Negotiations, Etc.**

Clete Hansen and Rick Staff explained the proposed changes in the rule draft relating to supervision, negotiations, rental property, buyer-agency, and right of first refusal.

The Board discussed the definition of supervision, the importance of timely review of contracts at the post-draft stage, and the need for clear direction to agents.

Rick Staff discussed language relating to the proposed agreement between the broker and the sales person.

Rick Staff, Jim Imhoff, Clete Hansen, and Bill Dusso will meet in the next couple of weeks to discuss the proposed changes in the rule draft.

## **PRACTICE QUESTIONS**

### **Items Left By Seller Without Monetary Consideration**

The Board discussed the Wisconsin Realtors Association article entitled, "Best of the Legal Hotline" relating to items left by a seller, the value of these items, and the effect on the loan.

## **NEW BUSINESS**

Rick Staff discussed the changes in the Bill of Sale form and the Cancellation and Mutual Release Agreement.

**MOTION:** Harold Lee moved, seconded by Richard Hinsman, to approve the Bill of Sale and the Cancellation and Mutual Release Agreement. Motion carried unanimously.

## **PUBLIC COMMENT**

None.

## **MISCELLANEOUS CORRESPONDENCE**

None.

## **RECESS TO CLOSED SESSION**

**MOTION:** Harold Lee moved, seconded by Richard Kollmansberger, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring reports, deliberations on stipulations that may be signed after printing of the agenda, and disciplinary proceedings. Motion carried unanimously by a roll call vote: Richard Hinsman-yes; Richard Kollmansberger-yes; Harold Lee-yes; Jerome M. Nelson-yes; James R. Imhoff-yes. Motion carried unanimously.

Open Session recessed at 11:21 a.m.

The Board received a copy of the Division of Enforcement Case Status Report.

The Board deliberated on case closings, stipulations, and monitoring issues.

Final voting on these issues was conducted in Open Session.

## **RECONVENE IN OPEN SESSION**

**MOTION:** Richard Hinsman moved, seconded by Harold Lee, to adjourn the Closed Session and to reconvene in Open Session at 11:48 a.m. Motion carried unanimously.

## **VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

## CASE CLOSINGS

**MOTION:** Harold Lee moved, seconded by Richard Kollmansberger, to close the following cases presented by the Division of Enforcement for closing. Motion carried unanimously.

99 REB 100	Patrick Behrndt	P3
99 REB 125	Robert Clemen	P6
99 REB 125	d/b/a Robts Realty and Construction	P6
99 REB 178	Edwin Hunter NV	(No violation)
99 REB 178	Hunter Realty NV	(No violation)
99 REB 302	Barbara Draper	P1
99 REB 179	Michael Zurfluth	P1, Letter of concern
99 REB 190	Daniel Heffron	IE (Insufficient evidence)
99 REB 190	Daleen Heffron	IE (Insufficient evidence)
99 REB 190	Heffron & Assoc.	IE (Insufficient evidence)
99 REB 249	Wendy Struble	Monitoring
99 REB 278	Wendy Struble	Monitoring
99 REB 203	Joseph F. Suchon	P1
99 REB 151	Wayne Mantueffel	IE (Insufficient evidence)
98 REB 196	Thomas Rusch	NV (No violation)

## STIPULATIONS

### **William H. Lauer (Montello, WI)**

**MOTION:** Harold Lee moved, seconded by Richard Hinsman, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matter involving William H. Lauer. Motion carried unanimously.

### **David J. Reed (Viroqua, WI)**

**MOTION:** Richard Kollmansberger moved, seconded by Richard Hinsman, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matter involving David J. Reed. Motion carried unanimously.

### **Earl G. Gissing (Milwaukee, WI)**

**MOTION:** Harold Lee moved, seconded by Richard Kollmansberger, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matter involving Earl G. Gissing. Motion carried unanimously.

### **Andrew C. Etheridge (Wild Rose, WI)**

**MOTION:** Richard Hinsman moved, seconded by Richard Kollmansberger, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the

disciplinary matter involving Andrew C. Etheridge. Motion carried unanimously.

**Mosinee Realty, Inc., and Alice M. Yoder-Whitmore (Mosinee, WI)**

**MOTION:** Harold Lee moved, seconded by Richard Hinsman, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matter involving Mosinee Realty, Inc., and Alice M. Yoder. Motion carried unanimously.

**Michael D. Denis (Rhineland, WI)**

**MOTION:** Harold Lee moved, seconded by Richard Kollmansberger, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matter involving Michael D. Denis. Motion carried unanimously.

**Mark M. Koenig (Brookfield, WI)**

**MOTION:** Richard Hinsman moved, seconded by Jerome Nelson, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matter involving Mark M. Koenig. Motion carried unanimously.

**Deliberation on Proposed Stipulations or Disciplinary Actions that May be Signed After Printing of Agenda**

None.

**PROPOSED DECISIONS AND ORDERS**

**Donald H. Mueller (Elm Grove, WI)**

**MOTION:** Jerome Nelson moved, seconded by Richard Kollmansberger, to accept the Findings of Fact, and Order, but to correct a citation in the Conclusions of Law, in the disciplinary matter involving Donald H. Mueller. Motion carried unanimously.

**Thomas H. Petersen (Deerfield, WI)**

**MOTION:** Richard Hinsman moved, seconded by Jerome Nelson, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order, and to add costs in the disciplinary matter involving Thomas H. Petersen. Motion carried unanimously.

**Johnnie D. Bond (Milwaukee, WI)**

**MOTION:** Harold Lee moved, seconded by Richard Hinsman, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the

disciplinary matter involving Johnnie D. Bond. Motion carried unanimously.

**MOTION:** Harold Lee moved, seconded by Richard Hinsman, to grant Clete Hansen, Bureau Director, the authority to sign the stipulations and the final orders for Donald H. Mueller and Thomas H. Petersen.

### **MONITORING REPORT**

#### **Trish A. Good**

**MOTION:** Richard Hinsman moved, seconded by Richard Kollmansberger, to revoke the license of Trish A. Good. Motion carried unanimously.

#### **Brian C. Fowler**

**MOTION:** Harold Lee moved, seconded by Jerome Nelson, to revoke the license of Brian C. Fowler. Motion carried unanimously.

By consensus, the Board adjourned the meeting at 11:52 a.m.